

P21289.A06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Hirofumi ENDO et al.	Examiner: Delia Ramirez
Serial No	: 09/869,334 (National Stage of PCT/JP00/00472)	Art Group Unit: 1652
I.A. Filed	: January 28, 2000	
For	: PROCESS FOR PRODUCING HMG-CoA REDUCTASE INHIBITORS	

**RESPONSE TO NOTICE TO COMPLY DATED APRIL 8, 2003  
AND STATEMENT THAT THE CONTENT OF THE PAPER AND  
COMPUTER READABLE COPIES ARE THE SAME**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated April 08, 2003 (copy enclosed), Applicants note that paper and computer readable forms of nucleotide and amino acid sequence listings are being filed herewith. Inasmuch as the one-month period for response was set in the Notification of Defective Response to expire on May 08, 2003, this response is being filed in a timely manner. If for any reason the Patent and Trademark Office deems an extension of time is necessary to maintain the pendency of this application, this should be considered to be an express request for any necessary extension of time and authorization to charge any necessary extension of time fee to Deposit Account No. 19-0089.

In accordance with 37 C.F.R. 1.821(f), the undersigned hereby states that the information recorded in the computer readable form is identical to the written sequence listing.

Applicants hereby state that the submission, filed in accordance with 37 C.F.R. 1.821(h), herein does not include new matter.

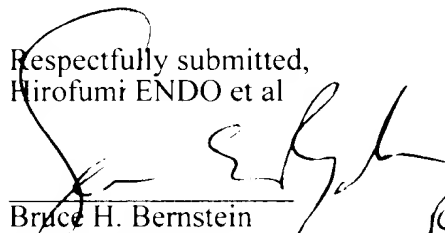
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In view of the above, Applicants respectfully submit that the objection to the sequence listing should be withdrawn, and Applicants respectfully request an action on the merits for the present application.

If any fees are required for consideration of this response, authorization is hereby provided to change any required fee for consideration of this paper and entry of the Sequence Listing to Deposit Account No. 19-0089.

If there are any comments or questions, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,  
Hirofumi ENDO et al

  
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## Notice to Comply

Application No.

09/869,334

Examiner

Delia M. Ramirez

Applicant(s)

ENDO ET AL.

Art Unit

1652

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1 This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2 This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3 A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4 A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5 The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6 The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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